

EXHIBIT B

DEFENDANTS' PROPOSED VERDICT FORM

I. Quincy Bioscience Holding Company, Inc.

Issue A: New York General Business Law § 349

As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:

- (1) that Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Quincy Bioscience Manufacturing, LLC and Prevagen, Inc. (collectively, referred to as "Quincy Bioscience") engaged in an act or practice that is deceptive or misleading in a material way;
- (2) that consumers suffered injury as a result; and
- (3) that the alleged deceptive business practices were aimed at consumers.

~~1. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience Holding Company, Inc. engaged in an act or practice that is deceptive or misleading in a material way?~~

~~YES _____ NO _____~~

~~If you responded NO to Question 1, please proceed to **Issue B.**~~

~~If you responded YES to Question 1, please proceed to Question 2.~~

~~2. Which of the following claims do you find to be deceptive or misleading in a material way?
Prevagen improves memory _____~~

1. Do you find that Quincy Bioscience relied upon "competent and reliable scientific evidence," defined as "tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results"?

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems
associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy
brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not
limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims):~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.~~

~~If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.~~

~~If you answered YES to some and NO to some, please proceed to Questions 4 and 5.~~

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that consumers suffered an injury as a result of those claims?~~

~~YES _____~~

~~NO _____~~

~~If you responded ~~NO~~YES to Question ~~5~~1, please proceed to Issue B.~~

~~If you responded NO to Question 1, please proceed to Question 2.~~

~~If you responded YES to Question 5, please proceed to Question 6.~~

~~6. Do you find that Plaintiff established by a preponderance of the evidence that the alleged deceptive business practices were aimed at consumers?~~

~~YES _____ NO _____~~

~~Please proceed to Issue B.~~

Issue B: New York General Business Law § 350

As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:

~~1) that an advertisement disseminated by Quiney Bioscience Holding Company, Inc. had an impact on consumers at large;~~

~~(2) was deceptive or misleading in a material way; and~~

~~(3) resulted in injury to consumers.~~

~~1. Do you find that Plaintiff established by a preponderance of the evidence that Quiney Bioscience Holding Company, Inc. disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large?~~

~~YES NO~~

~~If you responded YES to Question 1, please proceed to Question 2.~~

~~2. Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

3. ~~Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims).~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.~~

~~If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.~~

~~If you answered YES to some and NO to some, please proceed to Questions 4 and 5.~~

4. ~~For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems
associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy
brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not
limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in
Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic
evidence), do you find that Plaintiff established by a preponderance of the evidence that
the claims resulted in injury to consumers?~~

~~YES _____ NO _____~~

~~*Please proceed to the next page.*~~

H.Quincy Bioscience, LLC

Issue A: New York General Business Law § 349

As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:

~~(1)that Quincy Bioscience, LLC engaged in an act or practice that is deceptive or misleading in a material way;~~

~~(2)that consumers suffered injury as a result; and~~

~~(3)that the alleged deceptive business practices were aimed at consumers.~~

12. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience, ~~LLC~~ engaged in an act or practice that is deceptive or misleading in a material way?

YES _____

NO _____

If you responded NO to Question 12, please proceed to Issue B.

If you responded YES to Question 12, please proceed to Question 23.

23. Which of the following claims do you find to be deceptive or misleading in a material way?

Prevagen improves memory _____

Prevagen is clinically shown to improve memory _____

Prevagen improves memory within 90 days _____

Prevagen is clinically shown to improve memory within 90 days _____

Prevagen reduces memory problems associated with aging _____

Prevagen is clinically shown to reduce memory problems associated with aging _____

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

34. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 23? Please indicate YES or NO with respect to each claim that you selected in Question 23 (and only those claims).

Prevagen improves memory _____

Prevagen is clinically shown to improve memory _____

Prevagen improves memory within 90 days _____

Prevagen is clinically shown to improve memory within 90 days _____

Prevagen reduces memory problems associated with aging _____

Prevagen is clinically shown to reduce memory problems associated with aging _____

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

If you answered YES to any of the claims identified in Question 34, you have identified implied claims. Please proceed to Question 45.

If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 56.

If you answered YES to some and NO to some, please proceed to Questions ~~4 and 5~~ and 6.

45. For the claims to which you answered YES in Question 34 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.

Prevagen improves memory _____

Prevagen is clinically shown to improve memory _____

Prevagen improves memory within 90 days _____

Prevagen is clinically shown to improve memory within 90 days _____

Prevagen reduces memory problems associated with aging _____

Prevagen is clinically shown to reduce memory problems associated with aging _____

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

[56](#). For the claims to which you answered NO in Question [34](#) (i.e. express claims) and YES in Question [45](#) (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that consumers suffered an injury as a result of those claims?

YES _____

NO _____

If you responded NO to Question [56](#), please proceed to Issue B.

If you responded YES to Question [56](#), please proceed to Question [67](#).

[67](#). Do you find that Plaintiff established by a preponderance of the evidence that the alleged deceptive business practices were aimed at consumers?

YES _____

NO _____

If you responded YES to Question 7, please proceed to Question 8.

8. Which of the Quincy Bioscience entities do you find engaged acts that were deceptive or misleading in a material way:

Quincy Bioscience Holding Company, Inc. _____

Quincy Bioscience, LLC _____

Quincy Bioscience Manufacturing, LLC _____

Prevagen, Inc. _____

Please proceed to Issue B.

Issue B: New York General Business Law § 350

As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:

- (1) that an advertisement disseminated by Quincy Bioscience, ~~LLC~~ Holding Company, Inc., Quincy Bioscience, LLC, Quincy Bioscience Manufacturing, LLC, and Prevagen Inc. (collectively referred to as “Quincy Bioscience”) had an impact on consumers at large;
- (2) was deceptive or misleading in a material way; and
- (3) resulted in injury to consumers.

1. Do you find that ~~Plaintiff established by a preponderance of the evidence that Quincy Bioscience, LLC disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large?~~ relied upon “competent and reliable scientific evidence,” defined as “tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results”?

~~YES NO~~

~~If you responded YES to Question 1, please proceed to Question 2.~~

- ~~2. Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ _____

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims):~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.~~

~~If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.~~

~~If you answered YES to some and NO to some, please proceed to Questions 4 and 5.~~

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems
associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to
healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but
not limited to healthy brain function, a sharper mind, and clearer thinking
_____~~

~~5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in
Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic
evidence), do you find that Plaintiff established by a preponderance of the evidence that
the claims resulted in injury to consumers?~~

~~YES _____ NO _____~~

Please proceed to the next page.

III. ~~Prevagen, Inc., a corporation d/b/a/ Sugar River Supplements~~

Issue A: ~~New York General Business Law § 349~~

As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:

- (1) ~~that Prevagen, Inc., a corporation d/b/a Sugar River Supplements engaged in an act or practice that is deceptive or misleading in a material way;~~
- (2) ~~that consumers suffered injury as a result; and~~
- (3) ~~that the alleged deceptive business practices were aimed at consumers.~~

1. ~~Do you find that Plaintiff established by a preponderance of the evidence that Prevagen, Inc., a corporation d/b/a Sugar River Supplements engaged in an act or practice that is deceptive or misleading in a material way?~~

~~YES _____ NO _____~~

~~If you responded NO to Question 1, please proceed to Issue B.~~

~~If you responded YES to Question 1, please proceed to Question 2.~~

2. ~~Which of the following claims do you find to be deceptive or misleading in a material way?~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ _____

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims):~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.~~

~~If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.~~

~~If you answered YES to some and NO to some, please proceed to Questions 4 and 5.~~

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that consumers suffered an injury as a result of those claims?~~

~~YES _____~~

~~NO _____~~

~~*If you responded YES to Question 1, please proceed to Question 2.*~~

~~*If you responded NO to Question 5, please proceed to Issue B.*~~

~~*If you responded YES to Question 5, please proceed to Question 6.*~~

~~6. Do you find that Plaintiff established by a preponderance of the evidence that the alleged deceptive business practices were aimed at consumers?~~

~~YES _____ NO _____~~

~~*Please proceed to Issue B.*~~

Issue B: New York General Business Law § 350

~~As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:~~

~~1) that an advertisement disseminated by Prevagen, Inc., a corporation d/b/a Sugar River Supplements had an impact on consumers at large;~~

~~(2) was deceptive or misleading in a material way; and~~

~~(3) resulted in injury to consumers.~~

~~12.~~ Do you find that Plaintiff established by a preponderance of the evidence that ~~Prevagen, Inc., a corporation d/b/a Sugar River Supplements~~ Quincy Bioscience disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large?

YES _____ NO _____

If you responded YES to Question ~~12~~, please proceed to Question ~~23~~.

~~23.~~ Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?

Prevagen improves memory _____

Prevagen is clinically shown to improve memory _____

Prevagen improves memory within 90 days _____

Prevagen is clinically shown to improve memory within 90 days _____

Prevagen reduces memory problems associated with aging _____

Prevagen is clinically shown to reduce memory problems associated with aging _____

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

34. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 23? Please indicate YES or NO with respect to each claim that you selected in Question 23 (and only those claims).

Prevagen improves memory _____

Prevagen is clinically shown to improve memory _____

Prevagen improves memory within 90 days _____

Prevagen is clinically shown to improve memory within 90 days _____

Prevagen reduces memory problems associated with aging _____

Prevagen is clinically shown to reduce memory problems associated with aging _____

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

If you answered YES to any of the claims identified in Question 34, you have identified implied claims. Please proceed to Question 45.

If you answered NO to any of the claims identified in Question 34, you have identified express claims. Please proceed to Question 56.

If you answered YES to some and NO to some, please proceed to Questions ~~4 and 5~~ and 6.

45. For the claims to which you answered YES in Question 34 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.

Prevagen improves memory _____

Prevagen is clinically shown to improve memory _____

Prevagen improves memory within 90 days _____

Prevagen is clinically shown to improve memory within 90 days _____

Prevagen reduces memory problems associated with aging _____

Prevagen is clinically shown to reduce memory problems associated with aging _____

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

5-6. For the claims to which you answered NO in Question 34 (i.e. express claims) and YES in Question 45 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that the claims resulted in injury to consumers?

YES _____

NO _____

7. Which of the Quincy Bioscience entities do you find engaged acts that were deceptive or misleading in a material way:

Quincy Bioscience Holding Company, Inc.

~~*Please proceed to the next page.*~~

IV. Quincy Bioscience Manufacturing, LLC

Issue A: New York General Business Law § 349

As you have been instructed, in order to establish a violation of New York General Business Law § 349, each of the following elements must be established by a preponderance of the evidence:

- (1) that Quincy Bioscience Manufacturing, LLC engaged in an act or practice that is deceptive or misleading in a material way;
- (2) that consumers suffered injury as a result; and
- (3) that the alleged deceptive business practices were aimed at consumers.

1. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience Manufacturing, LLC engaged in an act or practice that is deceptive or misleading in a material way?

YES _____ NO _____

If you responded NO to Question 1, please proceed to Issue B.

If you responded YES to Question 1, please proceed to Question 2.

2. Which of the following claims do you find to be deceptive or misleading in a material way?

Prevagen improves memory _____

Prevagen is clinically shown to improve memory _____

Prevagen improves memory within 90 days _____

Prevagen is clinically shown to improve memory within 90 days _____

Prevagen reduces memory problems associated with aging _____

Prevagen is clinically shown to reduce memory problems associated with aging _____

Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ _____

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims):~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.~~

~~If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.~~

~~If you answered YES to some and NO to some, please proceed to Questions 4 and 5.~~

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

- ~~5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic evidence), do you find that Plaintiff established by a preponderance of the evidence that consumers suffered an injury as a result of those claims?~~

~~YES _____ NO _____~~

~~*If you responded NO to Question 5, please proceed to Issue B.*~~

~~*If you responded YES to Question 5, please proceed to Question 6.*~~

- ~~6. Do you find that Plaintiff established by a preponderance of the evidence that the alleged deceptive business practices were aimed at consumers?~~

~~YES _____ NO _____~~

~~*Please proceed to Issue B.*~~

Issue B: New York General Business Law § 350

As you have been instructed, in order to establish a violation of New York General Business Law § 350, each of the following elements must be established by a preponderance of the evidence:

~~1) that an advertisement disseminated by Quincy Bioscience Manufacturing, LLC had an impact on consumers at large; _____~~

Quincy Bioscience Manufacturing, LLC _____

Prevagen, Inc. _____

~~(2) was deceptive or misleading in a material way; and~~

~~(3) resulted in injury to consumers.~~

~~1. Do you find that Plaintiff established by a preponderance of the evidence that Quincy Bioscience Manufacturing, LLC disseminated an advertisement that was deceptive or misleading in a material way and had an impact on consumers at large?~~

~~YES NO~~

~~If you responded YES to Question 1, please proceed to Question 2.~~

~~2. Which of the following claims were deceptive or misleading in a material way and had an impact on consumers at large?~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking~~ _____

~~3. Do you find that there is more than one reasonable interpretation for any of the claims that you selected in Question 2? Please indicate YES or NO with respect to each claim that you selected in Question 2 (and only those claims):~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but not limited to healthy brain function, a sharper mind, and clearer thinking _____~~

~~If you answered YES to any of the claims identified in Question 3, you have identified implied claims. Please proceed to Question 4.~~

~~If you answered NO to any of the claims identified in Question 3, you have identified express claims. Please proceed to Question 5.~~

~~If you answered YES to some and NO to some, please proceed to Questions 4 and 5.~~

~~4. For the claims to which you answered YES in Question 3 (i.e. implied claims), please indicate YES or NO as to whether you find that Plaintiff has presented sufficient extrinsic evidence, such as consumer surveys, to prove how a significant portion of reasonable consumers interpreted those claims.~~

~~Prevagen improves memory _____~~

~~Prevagen is clinically shown to improve memory _____~~

~~Prevagen improves memory within 90 days _____~~

~~Prevagen is clinically shown to improve memory within 90 days _____~~

~~Prevagen reduces memory problems associated with aging _____~~

~~Prevagen is clinically shown to reduce memory problems
associated with aging _____~~

~~Prevagen provides other cognitive benefits, including but not limited to
healthy brain function, a sharper mind, and clearer thinking _____~~

~~Prevagen is clinically shown to provide other cognitive benefits, including but
not limited to healthy brain function, a sharper mind, and clearer thinking
_____~~

~~5. For the claims to which you answered NO in Question 3 (i.e. express claims) and YES
in Question 4 (i.e. implied claims for which Plaintiff has presented sufficient extrinsic
evidence), do you find that Plaintiff established by a preponderance of the evidence that
the claims resulted in injury to consumers?~~

~~YES _____ NO _____~~

Please proceed to the next page.

You are finished. Each juror who agrees with this verdict must sign below:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____